

Applicant	Tamatsu & Maizel Kobayashi & Charles March/Flagler Junction	
Request	Site Plan Review/Conditional Use	
Location	721 NE 4 Ave.	
Legal Description	Progresso, PB 2, P 18(D), Block 290, Lots 6-24; Lots 25-34, less the W. 10 ft.	
Property Size	2.19 Acres	
Zoning	RAC-UV	
Existing Land Use	Nursery and Single-story Residential	
Future Land Use Des.	Regional Activity Center	
Comp. Plan Consist.	Future Land Use Element, Objective 16 & L.	
Other Req. Approvals	N/A	
Applicable ULDR Sections	47-13.20, Downtown RAC review process and spec. reg. 47-24.3, Conditional Use 47-25.3, Neighborhood Compatibility 47-25.2, Adequacy Requirements	
Setbacks/Yards Front Rear Sides (W) (N)	Required	Proposed
	5'	NE 7 St.: 5' NE 4 Ave.: 7' NE 3 Ave.: 8'8"
	0'	7'10" (at covered parking)
	0'	7'10" (at covered parking) 18'2" (for tower bldg.)
Lot Density	N/A	N/A
Lot Size	5,000 sq. ft.	95,375 sq. ft.
Lot Width	N/A	N/A
Building Height	55', up to 150' as cond. use	143'
Structure Length	N/A	N/A
Floor Area	N/A	N/A
VUA Landscaping	20 %	Exceeds 20%
Landscaping Lot Coverage	N/A	N/A
Open Space	150 sq. ft. p/unit	Exceeds reqt.
Parking	272	335
Notification Requirements	Sign notice prior to public hearing by the Planning and Zoning Board	
Action Required	Approve, Approve with conditions, Deny	
Project Planner Authorized By Approved By	Name and Title	Initials
	Jim Koeth, Planner III	
	Chris Barton, AICP, RLA, Principal Planner	
	Bruce Chatterton, AICP, Planning and Zoning Manager	

Request:

As per ULDR Sec. 24.3, Conditional Use, the applicant is requesting Conditional Use approval for the construction of a building exceeding 55 ft. in height, requesting 143 ft. Other applicable ULDR Sections include 47-25.3, Neighborhood Compatibility and 47-13.20, RAC Downtown review and special regulations.

Property/Project Description:

The applicant is proposing to construct a mixed-use project consisting of 130 multi-family units with 17,277 sq. ft. of retail and 11,840 sq. ft. of office. This mixed-use project is twelve (12) stories, rising to a height of 143 ft. The project requires 272 parking spaces with 335 spaces being provided. The project site lies in the center of the Urban Village district.

The project provides residential units and parking structure on the NE 4 Ave. street frontage; residential units with retail/office on the NE 7 St. frontage and retail/office along NE 3 Ave. The project complies with the parking requirements via a four (4) level parking structure with surface parking both on-site and along the NE 3 Ave. and NE 4 Ave. streets. The project consists of two buildings, a primary building which includes the residential tower and a three-story residential building located in the northern portion of the site, along NE 4 Ave.

The project's primary entrance to the parking structure is from NE 7 St.. A one way loading service corridor with ingress from NE 3 Ave. and egress to NE 4 Ave. is located along the project's north perimeter and where the parking structure and tower abuts the northern portion of the project. Seven (7) ft. sidewalks are along all street frontages. All ground-level retail/office space is accessible from the public sidewalks, promoting public/private interaction. A second level of office space is provided above the ground level retail/office space. The residential tower portion of the project rises primarily at the SW portion of the site. The residential tower units begin at level 3 and continue to level 12, as illustrated on the site plan.

The neighborhood surrounding the site is composed of one and two story older structures of mixed uses including some single family and multifamily residential and some businesses. Some existing businesses occupy buildings that are former residences with several notable newer exceptions including the City County Credit Union, the Chamber of Commerce and the American Red Cross buildings all two stories. Within the entire neighborhood, only the Storage Authority at four levels located across NE 3 Ave. and the Jefferson mixed use project now under construction at six levels (88') one block to the south exceed three levels. Three other mixed uses projects known as the 4th and 4th, and Putnam projects are approved at seven levels (74') but not yet under construction at the intersection of NE 4 Ave. and NE 5 Street. It is important to note that the nearest building of a similar mass or height is the Comerica office building located five blocks to the south on NE 3 Ave. at NE 2 Street.

Conditional Use:

In accordance with ULDR Sec. 47-13.21, in the RAC-UV zoning district, heights above fifty-five (55) ft. and up to one hundred fifty (150) ft. shall be reviewed subject to the requirements of ULDR Sec. 24.3, Conditional Use. The proposed residential tower is 143 ft. in height.

The **applicant** has provided a narrative outlining the proposal's compliance with ULDR Sec. 47-24.3, Conditional Use Permit Requirements. The narrative is attached to the plans.

Staff concurs with the applicant's assessments with the exception of the following:

Sec. 47-24.3.E.1: Impact on abutting properties as evaluated under the Neighborhood Compatibility Requirements, Sec. 47-25.3.

Applicant's Response: See below under Neighborhood Compatibility and Adequacy Section.

Staff does not concur with the applicant's assessment. See below under Neighborhood Compatibility and Adequacy Section.

Sec. 47-24.3.E.3: The applicant must show and it must be found by the reviewing body that the following have been met:

b. Off-site or on-site conditions exist which reduce any impact of permitting the use or structure;

Applicant's Response: Development is located on major thoroughfare, NE 3 Ave, one of the main entrances into the downtown from the north. Streets surround development on three sides, which act as buffers between the development and neighbors. Public transportation serves the property. On street parking is provided where allowed.

The staff position is that the applicant has not demonstrated how off-site or on-site conditions exist which reduce any impact of permitting a building 143 ft. in height where all other existing or approved structures in the surrounding area are significantly lower in height and of a smaller mass.

Sec. 47-24.3.E.3.c: On-site improvements have been incorporated into the site plan which minimize any adverse impacts as a result of permitting the use or structure;

Applicant's Response: Most vehicles will be housed within the parking garage, and others will be screened by structures from public views. Lush landscaping will surround the development creating an oasis in an otherwise neglected area.

The staff position is that the applicant has not demonstrated what on-site improvements are incorporated into the structure to minimize any adverse impacts of permitting a 143 ft. high structure in an area where all existing or approved structures are significantly lower in height and of a smaller mass. Other than a minor terracing for the upper floors at a height of 45', the proposed structure does not step back into the site or make any other attempt to mitigate the dominant impacts of the proposed structure. Several design elements rise at the minimum

setbacks the full 143' in height. The applicant has not offered any mitigation to break up the length or mass of the building facades along NE 3 Ave at 226'-10", NE 7 street at 242'- 7, and NE 4 Ave at 242'-7" and 171'-3" for the northern multifamily structure. Staff questions the contention that lush landscaping can be provided when the set backs for the tower structure are at 5', 7' and 8'8".

Sec. 47-24.3.E.3.e: There are no adverse impacts of the use which effect the health, safety and welfare of adjacent properties.

Applicant's Response: No adverse impacts will be created.

The staff position is that the permitting of a 143 ft. high structure with facades that exceed 220' along three street frontages in an area with no similarly approved or existing structures may have a detrimental affect on the character of the neighborhood and of the adjacent properties. Potential adverse impacts include but are not limited to visual nuisances, shadow and the overall redevelopment of the neighborhood.

Parking and Traffic:

The project's required parking is 272 spaces with the applicant providing 335 spaces. Parking will be provided in the proposed parking structure, surface parking lot and along NE 3 Ave. and NE 4 Ave. as on-street.

In accordance with the applicant's traffic consultant's traffic impact study, the proposed project will generate 3,465 trips per day with 160 trips in the AM and 174 in the PM peak hours or an alternate analysis using trip rates more commonly associated with downtown mixed use projects finds the project generating 1,428 trips per day with 78 trips in the AM and 164 trips in the PM peak hours. The DRC Engineering Representative and City traffic consultant have reviewed the applicant's study and concur with its findings.

Downtown RAC General Design and Density Standards:

The **applicant** has provided a narrative outlining the proposal's compliance Sec. 47-13.20, Downtown RAC, General Design and Density Standards. This narrative is attached to the plans.

Staff concurs with the applicant's assessment with regard to ULDR Sec. 47-13.20.

Neighborhood Compatibility and Adequacy:

The **applicant** has provided narratives outlining the proposal's compliance with ULDR Sec. 47-25.2, Adequacy Requirements and 47-25.3, Neighborhood Compatibility. The narratives are attached to the plans.

Staff concurs with the applicant's assessments with the exception of the following:

ULDR Sec. 47-25.3.A.3.e: Neighborhood compatibility and preservation. In addition to the review requirements provided in subsections A.1, A.2 and A.3.a, b, c, and d, the following review criteria shall also apply as provided below:

- i. All developments subject to this Sec. 47-25.3 shall comply with the following:**
 - a) Development will be compatible with, and preserve the character and integrity of adjacent neighborhoods, the development shall include improvements or modifications either on-site or within the public rights-of-way to mitigate adverse impacts, such as traffic, noise, odors, shadow, scale, visual nuisances, or other similar adverse effects to adjacent neighborhoods. These improvements or modifications may include, but shall not be limited to, the placement or orientation of buildings and entryways, parking areas, bufferyards, alteration of building mass, and the addition of landscaping, walls, or both, to ameliorate such impacts. Roadway adjustments, traffic control devices or mechanisms, and access restrictions may be required to control traffic flow or divert traffic as needed to reduce or eliminate development generated traffic on neighborhood streets.**
 - b) Consideration shall be given to the recommendations of the adopted neighborhood master plan in which the proposed development is to be located, or which it abuts, although such neighborhood master plan shall not be considered to have the force and effect of law. When recommended improvements for the mitigation of impacts to any neighborhood, conflicts with any applicable ULDR provision, then the provisions of the ULDR shall prevail. In order to ensure that a development will be compatible with, and preserve the character and integrity of adjacent neighborhoods, the development shall include improvements or modifications either on-site or within the public rights-of-way to mitigate adverse impacts, such as traffic, noise, odors, shadow, scale, visual nuisances, or other similar adverse effects to adjacent neighborhoods. These improvements or modifications may include, but shall not be limited to, the placement or orientation of buildings and entryways, parking areas, bufferyards, alteration of building mass, and the addition of landscaping, walls, or both, to ameliorate such impacts. Roadway adjustments, traffic control devices or mechanisms, and access restrictions may be required to control traffic flow or divert traffic as needed to reduce or eliminate development generated traffic on neighborhood streets.**

Applicant's Response:

Proposed development consists of a mixed use complex with retail on the ground floor, offices on the second floor walk up apartments abutting NE 7 St. and NE 4 Ave., a parking garage, and a condo tower.

Development is located within the RAC-UV zoning district. The zoning district was created to provide housing for the downtown area. The end product sought by the neighborhood and future plans by the City specify a neighborhood that is pedestrian friendly, and with a density that will support mixed use.

As more projects are developed, an urban fabric is created with interesting architecture; wide sidewalks, arcades, and shops so that residents will feel safe and will want to walk, hop on public transportation or bicycle to the urban core.

As many urban planners have proved, medium to high density is required to support the amenities that are the goals of the RAC-UV. The development is an excellent transition between the more urban and taller established downtown south of NE 4 St. to the less developed areas north of Sunrise Blvd.

Proposed development is compatible with, and preserves the character and integrity of adjacent neighborhoods. The development includes substantial modifications on site and on public right-of-way to mitigate adverse effects of the proposed development.

The majority of the construction has been places favoring NE 3 Ave., a major thoroughfare. Pedestrian arcades with larger than required sidewalks front the NE 3 Ave. and NE 7 St.

Most parking spaces will be located within a parking garage with a single entrance from NE 7 St. A one way service drive is provided for deliveries and garbage collection. Parking garage has similar design as the main building, with architectural features screening the vehicles and sloping ramps.

Street trees line all rights-of-way, on street parking has been provided where possible to follow the neighborhood master plan's goals of creating a pedestrian friendly environment. Royal palms and live oak trees are proposed along the streets.

Three townhouse style apartments lead directly to the street along NE 7 St., and similar type of units are located along NE 4 Ave. to transition into the more residential portion of the neighborhood. The main entrance at the corner identifies the importance of the intersection by providing an open landscaped plaza. The ground floor will contain retail/office space with covered arcades. The second floor with house offices.

Most units have extensive balconies overlooking the pool are over the parking garage or directly to the street for outdoor living and interaction with the street.

A solid masonry wall will separate this development from adjacent developed property to the north. A one story carport will separate development from neighbors to the west and conceal parking spaces from view.

Although the development is located outside the Image Street or Pedestrian Corridor area, the guidelines required in those districts have been incorporated into the design. At present, many structures surrounding this development are obsolete and will probably be demolished in the near future. The structures in the area consist of one story "shotgun" apartment buildings along NE 4 Ave. to the south, one and two story apartment buildings as well as some single family homes along NE 4 Ave. directly east of the development and one to four story office, storage and commercial buildings to the west along the NE 3 Ave. side occupied mainly by attorneys, veterinarians, and medical doctors.

The neighborhood directly north of NE 8 St. consists mainly of one story warehouse buildings built with very poor planning principles. Density provided is less than 50 units to the acre. Proposed unit will accommodate various needs. Development has one bedroom, two bedroom, and three bedroom apartments. In addition, townhouse style apartments are provided over flat apartments in the low-rise building.

A multi-purpose space is provided for residents. It is expected that some of the residents will also occupy the businesses on the lower floors.

The Flagler Junction development is expected to act as a catalyst for much needed redevelopment of the Flagler Heights neighborhood. The development has been embraced with 10% support at two general meetings of the Flagler Height Civic Association. Compatibility has been accomplished for the present and future goals of parties involved.

Staff disagrees with the applicant's assessment that the proposed development will be compatible with and preserve the character and integrity of adjacent neighborhoods. As illustrated on the aerial provided in the site plan package, the general area immediately surrounding the proposed project consists of one to four story buildings. Recently additions to the area include the Storage Authority (RAC-UV) at four stories and The Jefferson mixed use project (RAC-CC) at six stories. Recently approved buildings south of the proposed site include the following:

*(Case No. 91 R 01), Avenue Lofts, 447 N. Andrews Ave.
One-hundred (100) multi family units with 7,774 sq. ft. of retail.
Four stories at 49 ft. in height. Now under construction in RAC-UV.*

*(Case No. 15 R 02), East Village, 430-464 NE 2 Ave.
Thirty-two (32) townhomes. Three stories at 30 ft. in height. Now under construction in RACC-C.*

*(Cases 134 R 00, 163 R 00 & 175 R 00), Downtown Flagler Village.
Phase I & II: SE corner of NE 4 Ave. and NE 5 St.
Phase III: NE corner of NE 4 Ave. and NE 5 St.
Total project: 390 Residential units with 14,242 sq. of retail
Seven stories at 75 ft. in height. Approved in RAC-CC but not yet under construction.*

In addition, the Fort Lauderdale Downtown Master Plan' vision, currently being developed, calls for development in this location to be in a land use and building type character area of predominately four (4) to eight (8) story structures.

The staff position is that the proposal is not consistent with existing area buildings or recently approved buildings with regard to height and in most cases mass. Staff does not concur with the applicant's assessments with regard to the findings of the applicant.

Comprehensive Plan Consistency:

The proposed project is consistent with the Future Land Use Element's Objective 16: Concentrate development, particularly large-scale, mixed-use development, in the Downtown RAC to discourage urban sprawl. In accordance with the Future Land Use Element's L., Regional Activity Center, the major purposes of this designation are to facilitate mixed-use development, encourage mass transit, reduce the need for automobile travel, provide incentives for quality development and give definition to the urban form.

The Development Review Committee reviewed this proposal on October 22, 2002 and the proposal has obtained Pre-PZ Board sign-offs.

Staff Determination:

Staff does not find the proposal in compliance with all aspects of the ULDR.

Planning & Zoning Board Review Options:

1. If the Planning and Zoning Board determines that the proposed development or use meets the standards and requirements of the ULDR and criteria for the proposed development or use, the Planning and Zoning Board shall approve or approve with conditions necessary to ensure compliance with the standards and requirements of the ULDR and criteria for the proposed development or use, the issuance of the site plan level III permit.
2. If the Planning and Zoning Board determines that the proposed development or use does not meet the standards and requirements of the ULDR and criteria for the proposed development or use, the Planning and Zoning Board shall deny the site plan level III permit.

Should the Board approve the proposed development, the following conditions are proposed by staff:

1. All proposed on-street parking to be approved by the City Parking Systems Manager prior to Final DRC approval.
2. Provide detail regarding architectural grillwork at a density to screen all vehicles from all abutting public rights-of-way as approved by Planning & Zoning staff.
3. Site plan approval shall be valid as provided in ULDR Section 47-24.1.M.
4. Compliance with our Construction Debris Mitigation Policy as attached.
5. Final DRC approval.

City of Fort Lauderdale
Building Services Division Construction Debris Mitigation Policy

Section 24-11 Construction Sites, of the City of Fort Lauderdale Code of Ordinances is for the purpose of controlling construction debris. In accordance with the Code, any property under construction is required to contain construction debris on the subject property site. In an effort to ensure that construction debris does not spillover onto adjacent sites, the Building Services Division will require the following mitigation measures as minimum conditions to prevent the spillover of construction debris onto adjacent properties. These measures are to be included in a Construction Debris Mitigation Plan, which will be submitted to the Building Official, prior to the issuance of a building permit for the subject project. Additional measures may be required to ensure compliance with the Code, as deemed necessary by the Building Official.

1. Extermination of the site and buildings prior to demolition. A certificate certifying that the site has been exterminated is required to obtain a demolition permit.
2. Wet demolition of existing buildings is required to minimize dust.
3. Install and maintain a 6' screening (wind blown) on all ground level perimeter site fencing to minimize dust and debris blowing out to surrounding buildings.
4. Adherence to all state and county regulations with regards to the handling of asbestos in existing buildings.
5. Provide for construction employee parking and construction staging areas, to be reviewed and approved by the City's Engineering Department, and as necessary the City's Zoning and Parking Divisions.
6. The Building Division will require measures to minimize the airborne concrete when pouring. Such measures may include, but are not limited to, use of a wet saw when cutting concrete, wind screens around saws on concrete work deck; wind screens on end of concrete pump hose, etc.
7. The Building Division will require measures to minimize airborne debris from all open floors, including but not limited to, a requirement that each floor undergoing construction activity be wrapped to control the spillover of concrete and dust onto adjacent properties.
8. Sweeping compound will be required to minimize dust when sweeping the open floors of the building.
9. Broom cleaning of adjacent streets and sidewalks is required on a daily basis.
10. A hot line telephone number for the subject property is required to address issues as they arise.
11. On site visits by City Building Inspectors and other building officials will occur, as needed, to ensure that the concerns of adjacent property owners regarding construction debris and noise are being properly and timely addressed. The costs incurred for such inspections will be borne by the applicant